

Mail Stop Interference
P.O. Box 1450
Alexandria, VA 22313-1450
Tel: 571-272-4683
Fax: 571-273-0042

105,719 Paper 199
105,729 Paper 206
Filed: 25 November 2011

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

CHANDLER DAWSON

Junior Party,
Patent Application 11/801,345,

v.

CHANDLER DAWSON and LYLE BOWMAN

Senior Party,
Patent 6,239,113 B1
Patent 6,569,443 B1.

Patent Interference 105,719 (McK)
Patent Interference 105,729 (McK)
Technology Center 1600

Before: FRED E. McKELVEY, SALLY GARDNER LANE and
RAE LYNN P. GUEST, Administrative Patent Judges.

FRED E. McKELVEY, Administrative Patent Judge.

JUDGMENT

1 For the reasons given in MEMORANDUM OPINION—Final decision on
2 the merits (Interference 105719, Paper 196 and Interference 105729, Paper 203), it
3 is

4 ORDERED that judgment on priority as to Count 1 (the sole count)
5 in Interference 105,719 is awarded against CHANDLER DAWSON and THE
6 REGENTS OF THE UNIVERSITY OF CALIFORNIA.

7 FURTHER ORDERED that CHANDLER DAWSON and THE
8 REGENTS OF THE UNIVERSITY OF CALIFORNIA are not entitled to a patent
9 containing claims 1 and 4-20 (corresponding to Count 1 of Interference 105,719)
10 of:

11 patent application 11/801,345
12 filed under 37 C.F.R. § 1.47(b) on 8 May 1997

13 FURTHER ORDERED that judgment on priority as to Count 1 (the
14 sole count) in Interference 105,729 is awarded against CHANDLER DAWSON
15 and THE REGENTS OF THE UNIVERSITY OF CALIFORNIA.

16 FURTHER ORDERED that CHANDLER DAWSON and THE
17 REGENTS OF THE UNIVERSITY OF CALIFORNIA are not entitled to a patent
18 containing claims 1 and 4-20 (corresponding to Count 1 of Interference 105,729)
19 of:

20 patent application 11/801,345
21 filed under 37 C.F.R. § 1.47(b) on 8 May 1997

22 FURTHER ORDERED that claims 1 and 4-20 of application
23 11/801,345 are finally refused. 35 U.S.C. § 135(a).

24 FURTHER ORDERED that if there is a settlement agreement,
25 attention is directed to 35 U.S.C. § 135(c).

1 FURTHER ORDERED that a copy of this JUDGMENT shall be
2 placed in the files of (1) U.S. Patent 6,239,113 B1, (2) U.S. Patent 6,569,443 B1
3 and (3) application 11/801/345.

cc (via electronic filing):

Attorney for Dawson
(real party in interest
The Regents of the University of California):

Steven B. Kelber
Richard Aron Osman
BERENATO & WHITE, LLC
6550 Rock Springs Drive, Suite 240
Bethesda, MD 20817
Tel: 301-896-0600
Email: skelber@bwsiplaw.com
Email: richard@sci-tech.com

Attorney for Dawson
(real party in interest
InSite Vision Incorporated):

Joel M. Freed
Aamer S. Ahmed
McDERMOTT WILL & EMERY, LLP
600 Thirteenth Street, N.W.
Washington, DC 20005
Tel: 202-756-8000
Email: jfreed@mwe.com
Email: aahmed@mwe.com